

**Education and Workforce Development Cabinet**

**Kentucky Board of Education**

**Department of Education**

**(Amendment)**

**704 KAR 3:345. Evaluation guidelines for other certified staff.**

RELATES TO: KRS 156.557

STATUTORY AUTHORITY: KRS 156.070, 156.557(3)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.557(3)(c) requires the Kentucky Board of Education to develop written guidelines for local school districts to follow in developing and implementing an evaluation system for certified employees. This administrative regulation establishes the requirements for the evaluation programs and policies of local school district certified staff other than classroom teachers and principals [districts].

Section 1. Definitions. (1) "Administrator" means a certified staff person, except a principal, who devotes the majority of his employed time to service in a position for which administration certification is required by the Education Professional Standards Board in 704 KAR Chapter 20.

(2) "Conference" means a meeting involving the evaluator and the certified employee being evaluated for the purposes of providing feedback from the evaluator, analyzing the results of an observation or observations and other information to determine accomplishments and areas for growth leading to establishment or revision of a professional growth plan.

(3) "Evaluation" means:

(a) The process of assessing or determining the effectiveness of the performance of the certified employee in a given teaching and learning or leadership and management situation, and based on predetermined criteria, through periodic observation and other documentation including a portfolio, peer review, product or performance; and

(b) The establishment and monitoring of a professional growth plan.

(4) "Formative evaluation" is defined by KRS 156.557(3)(b)1.

(5) "Indicators" means measurable or observable behaviors and outcomes that demonstrate performance criteria.

(6) "Job category" means a group or class of positions with closely related functions (e.g., principal, coordinator, director).

(7) "Observation" means a process of gathering information in the performance of duty, based on predetermined criteria in the district plan.

(8) "Other support staff" means certified staff other than teacher or administrator.

(9) "Performance criteria" means performance areas, skills, or outcomes on which the certified employee shall be evaluated based on position and the district plan.

(10) "Position" means a professional role in the school district (e.g., guidance counselor [teacher, secondary principal], supervisor of instruction).

(11) "Professional growth plan" means an individualized plan that includes:

(a) Goals for enrichment and development that are established by the person being evaluated with the assistance of an evaluator;

(b) Objectives, a plan for achieving the objectives, and a method for evaluating success; and

(c) Alignment with the specific goals and objectives of the school improvement plan or the district improvement plan; and

(d) Identification of school and district resources within available funds to accomplish the goals.

(12) "Standards of performance" means acceptable qualitative or quantitative level of performance expected of effective teachers or administrators.

(13) "Summative evaluation" is defined by KRS 156.557(3)(b)2.

~~[(14) "Teacher" means a certified staff person who directly instructs students.]~~

Section 2: Beginning in the 2015-2016 academic year, all teachers and principals shall be evaluated using the system outlined in 704 KAR 3:350.

Section 3 [2]. Each local school district shall have an evaluation plan and procedures approved by the Kentucky Department of Education. Approval of the plan and procedures shall be for the purpose of certification as to the compliance of each specific school district's evaluation plan with the guidelines established in this administrative regulation.

Section 4 [3]. The local school district shall have a written policy for the evaluation of all certified employees consistent with KRS 156.557.

Section 5 [4]. (1) An evaluation committee consisting of equal numbers of teachers and administrators shall develop evaluation procedures and forms for certified positions below the level of the district superintendent. The superintendent's evaluation process shall be developed and adopted by the local board of education. The evaluation procedures and forms shall be designed to foster professional growth and to support individual personnel decisions.

(2) The procedures shall provide for both formative evaluation and summative evaluation and shall include the following elements:

(a) The immediate supervisor of the certified school employee shall be designated the primary evaluator. Additional trained administrative personnel may be used to observe and provide information to the primary evaluator. If requested by the teacher, observations by another teacher

trained in the teacher's content area or by curriculum content specialists shall be provided. The selection of the third-party observer shall, if possible, be determined through mutual agreement by evaluator and evaluatee. A teacher who exercises this option shall do so, in writing to the evaluator, by no later than February 15 of the academic year in which the summative evaluation occurs. If the evaluator and evaluatee have not agreed upon the selection of the third-party observer within five (5) working days of the teacher's written request, the evaluator shall select the third-party observer.

(b) The monitoring or observations of performance of a certified employee shall be conducted openly and with the full knowledge of the teacher or administrator. The local district may determine the length and frequency and nature of observations conducted by an evaluator.

(c) The evaluation system shall include a professional growth plan for all certified personnel below the level of superintendent aligned with specific goals and objectives of the school improvement plan or the district improvement plan and shall be reviewed annually.

(d) The evaluation process developed for the local superintendent by the local board of education shall include provisions for assistance for professional growth of the superintendent, pursuant to KRS 156.111.

(e) Evaluation shall include a formative evaluation conference between the evaluator and the person evaluated within one (1) work week following each observation. In addition, the summative evaluation conference shall be held at the end of the evaluation cycle and include all evaluation data.

(f) Evaluation with multiple observations shall occur annually for each nontenured certified employee. The formative data collected during the beginning teacher internship period may be utilized in summative evaluation of the intern.

(g) Multiple observations shall be conducted with a tenured, certified employee whose observation results are unsatisfactory.

(h) Summative evaluation shall occur a minimum of once every three (3) year period for each tenured teacher.

(i) Summative evaluation shall occur annually for an administrator.

(j) The evaluation of a certified employee below the level of the district superintendent shall be in writing on an evaluation form developed pursuant to subsection (1) of this section and become a part of the official personnel record.

(k) The observations shall include documentation of information to be used in determining the performance of the evaluatee.

(l) The evaluation system shall provide an opportunity for a written response by the evaluatee and the response shall become a part of the official personnel record.

(m) A copy of the evaluation shall be provided to the evaluatee.

Section 6 [5]. (1) The evaluation form shall include a list of performance criteria characteristic of effective teaching or administrative practices. Under each criterion, specific descriptors or indicators that can be measured or observed and recorded shall be listed. Additionally, standards of performance shall be established for each criterion. The performance criteria shall include those that apply to the employee being evaluated and that are identified within KRS 156.557(2).

(2) The evaluation criteria and process used to evaluate certified school personnel shall be explained to and discussed with certified school personnel no later than the end of the first month of reporting for employment for each school year. Amendments approved by the Kentucky Department of Education to local systems of certified personnel evaluation that occur after the end

of the certified employees' first school month shall not apply to the employee until the following school year.

(3) An evaluation form or instrument shall be specific for each position or job category. Other forms for observation and pre- and postconferences may be used at the discretion of the local district.

Section 7 ~~[6]~~. (1) The primary evaluator, with the exception of a district board of education member, shall be trained, tested, and approved as an evaluator by the Kentucky Department of Education.

(2) Training shall:

(a) Include skill development in the use of the local evaluation process. Each local district shall conduct this training;

(b) Include skill development in the identification of effective teaching and management practices, effective observation and conferencing techniques, establishing and assisting with a certified employee professional growth plan, and summative evaluation techniques relative to the academic expectations in 703 KAR 4:060. This training shall be conducted by a provider who has been approved by the Kentucky Department of Education as a trainer for the Instructional Leadership Improvement Program;

(c) Be provided by the Kentucky Department of Education for all new administrators who are designated as evaluators. Other administrators who have not received training in the skill areas listed in paragraph (b) of this subsection may participate also; and

(d) Be approved as a part of the evaluation plan and procedures submitted to the Kentucky Department of Education.

(3) Testing shall:

(a) Include a cognitive test of research-based and professionally accepted teaching and management practices and effective evaluation techniques listed in subsection (2)(b) of this section; and

(b) Be conducted by the Kentucky Department of Education or an individual or agency approved by the Kentucky Department of Education.

(4) Initial approval as an evaluator shall be issued by the Kentucky Department of Education upon completion of the required evaluation training program and successful completion of testing.

(5)(a) Continued approval as an evaluator shall be contingent upon the completion of a minimum of twelve (12) hours of evaluation training every two (2) years.

(b) This training shall be in any one, or a combination, of the following skill areas:

1. Use of the local evaluation process;
2. Identification of effective teaching and management practices;
3. Effective observation and conferencing techniques;
4. Establishing and assisting with certified employee professional growth plans;
5. Summative evaluation techniques; or
6. Completion of training or update training in the Kentucky Teacher Internship Program in 704 KAR 20:690 or Kentucky Principal Internship Program in 704 KAR 20:470 not to exceed six (6) hours per two (2) year cycle.

(6) Each local district shall designate a contact person responsible for monitoring evaluation training and implementing the evaluation plan.

Section 8 [7]. For an appeal to the local evaluation appeals panel, each local evaluation plan shall provide for the following:

- (1) Right to a hearing as to every appeal;

(2) Opportunity reasonably in advance of the hearing for the evaluator and evaluatee to adequately review all documents that are to be presented to the evaluation appeals panel; and

(3) Right to presence of evaluatee's chosen representative.

Section 9 [8]. (1) The local board of education shall review as needed the evaluation plan to ensure compliance with KRS 156.557 and this administrative regulation.

(2) If a substantive change is made to the evaluation plan, the local board of education shall utilize the evaluation committee, as provided for in Section 4(1) of this administrative regulation, in formulating the revision.

(3) Examples of substantive change shall include a change in:

(a) Cycle;

(b) Observation frequency;

(c) A form; or

(d) An appeal procedure.

(4) A revision to the plan shall be reviewed and approved by the local board of education and submitted to the Kentucky Department of Education for approval.

Section 10 [9]. (1) A certified employee who feels that the local district is not properly implementing the evaluation plan according to the way it was approved by the Kentucky Department of Education shall have the opportunity to appeal to the Kentucky Board of Education.

(2) The appeal procedures shall be as follows:

(a) The Kentucky Board of Education shall appoint a committee of three (3) state board members to serve on the State Evaluation Appeals Panel. Its jurisdiction shall be limited to procedural matters already addressed by the local appeals panel required by KRS 156.557(5). The panel shall not have jurisdiction relative to a complaint involving the professional judgmental conclusion of an



1 evaluation, and the panel's review shall be limited to the record of proceedings at the local district  
2 level.

3 (b) No later than thirty (30) days after the final action or decision at the local district level, the  
4 certified employee may submit a written request to the chief state school officer for a review before  
5 the State Evaluation Appeals Panel. An appeal not filed in a timely manner shall not be considered.  
6 A specific description of the complaint and grounds for appeal shall be submitted with this request.

7 (c) A brief, written statement, and other document which a party wants considered by the State  
8 Evaluation Appeals Panel shall be filed with the panel and served on the opposing party at least  
9 twenty (20) days prior to the scheduled review.

10 (d) A decision of the appeals panel shall be rendered within fifteen (15) working days after the  
11 review.

12 (e) A determination of noncompliance shall render the evaluation void, and the employee shall  
13 have the right to be reevaluated.